

Administrative Procedures for Electronic Filing

a. **Mandatory Filing.** Effective December 1, 2003, all attorneys admitted to practice in the Southern District of Texas must file papers in bankruptcy cases and adversary proceedings electronically unless the Court orders otherwise, like documents under seal. Persons without lawyers may not file electronically.

b. **Registration**

1. **Account Name & Password.** An attorney admitted to practice in this court and in good standing may register for one account name and password that will permit him to file and retrieve documents electronically.

2. **Registration.**

(A) Each attorney must submit an individual registration form.

(B) Registration forms may be obtained from and returned to:

Electronic Registration
United States District Court
515 Rusk Avenue
Post Office Box 61010
Houston, Texas 77208-1010
or
www.txs.uscourts.gov

(C) The clerk will transmit by email a password and account name to each registrant. The attorney must reply to the clerk by email to confirm that he has received the transmission.

(D) A registrant may change his password and must change it immediately if he believes that its security may have been compromised. If an attorney forgets his password, the clerk will assign a new one.

(E) An attorney may withdraw from participation in the system by sending the clerk written notice by mail. Withdrawal from the system does *not* withdraw the attorney as counsel of record for the party. On receipt of the notice, the clerk will (i) cancel the account name and

password and (ii) delete the attorney from the lists for electronic service.

3. Technological Problems. If either the registrant's system or the clerk's system should be inaccessible from technical difficulties, documents may be filed conventionally. For technical support, call the court at 1-866-358-6201.

c. File Maintenance, Access, and Effect of Electronic Filing.

1. When a Notice of Electronic Filing has been generated, the document is filed and is entered on the docket under Bankruptcy Rule 5003 on the date shown.

2. A document is filed on a day if it is transmitted completely by midnight by the court's local time.

3. Pleadings filed conventionally will be scanned by the clerk and entered on the case docket unless filed under seal.

4. The official case file maintained by the clerk consists of the filed electronic images, and documents ordered sealed. The clerk will retain paper documents in one master file by date of receipt.

5. Transcripts of Hearings. Transcripts will be filed electronically unless otherwise ordered.

6. Orders. Signed paper orders will be electronically scanned by the clerk and entered on the case docket. Electronic orders with the judge's signature only in type have the same effect as a manually signed order. Electronic transmission by the clerk of notice of an entry of an order or judgment complies with Fed. R. Bankr. P. 9022.

7. Access to the electronic case file is available:

(A) At no charge at each of the federal court houses in the Southern District of Texas;

(B) Through the internet by contacting the PACER Service Center for an account name and password at 1-800-676-6856.

8. Conventional, Certified, and Exemplified Copies. Anyone may buy conventional paper, certified, and exemplified copies of electronically filed documents from the clerk in person at the court house or by mailing a request designating the case number

and document by title or docket number. Requests by mail must include a self-addressed, stamped return envelope and the fee. The fee for copying, certification, or exemplification will be under 28 U.S.C. § 1930.

9. If a document is filed electronically, fees must be paid as the clerk instructs.

d. Service of Summons and Complaint. The summons and complaint must be served conventionally under Fed. R. Bankr. P. 7004; they may not be served electronically.

e. Service of Other Pleadings.

1. When a document is filed electronically, the system will automatically generate a “A Notice of Electronic Filing” in the form of **Appendix A**. The clerk will serve this notice electronically on the parties who are registered. Electronic service by the clerk of the Notice of Electronic Filing is the equivalent of service of the paper by first class mail, postage prepaid, by the party.

2. The filer must serve the document in paper on those others who are entitled to notice under the rules but who are not registered for electronic service.

3. Papers that are filed conventionally will be served (a) on those parties entitled to notice and (b) in the manner required under the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, or court order.

f. Bankruptcy Petition and Schedules.

1. When an original bankruptcy petition is filed electronically, within five business days the attorney for the debtor must submit to the clerk on blue paper an executed “Declaration for Electronic Filing and Statement of Social Security Number” in the form of **Appendix B**. The clerk will docket and maintain the original declaration for not fewer than ten years.

2. Debtor must serve manually signed paper copies of schedules and statements of affairs on the case trustee.

g. Signatures. Where a signature is required on a document by rule, statute, or agreement of the parties, a signature on an electronically filed document may be indicated by typing the person’s name above the signature line. A paper copy of the document signed manually by all signers shown in the electronically filed document must be maintained by the filer for (a) five years after the expiration of time for filing an appeal or (b) a longer time required by law.

h. Orders.

1. Proposed orders for electronically filed pleadings must be filed as an electronic attachment to the pleading.
2. Orders submitted after hearing or by agreement (greensheet orders) may be filed conventionally with the greensheet attached or electronically by selecting this event from the menu: “proposed order submission after hearing (greensheet).”
3. The court may order the parties to file proposed orders on a 3-1/2" disk, through e-mail, or by other means.

i. Exhibits.

1. Leave of Court. Pleadings requiring leave of court must be filed as an exhibit to the motion for leave. If leave is granted the movant must refile the pleading which required leave so that it may be entered on the case docket.
2. Sealed Documents. An electronically filed motion with its proposed order to file documents under seal will be filed without the documents and a copy of the motion and proposed sealed documents must be submitted to chambers. If the motion is granted, the Clerk's office shall affix a copy of the signed, entered order to the envelope with the sealed documents.
3. Exhibits attached to pleadings are to be filed electronically. After these pleadings with their exhibits are filed electronically, a courtesy copy with exhibit must be delivered to chambers:

Plan of Reorganization
Disclosure Statement
Motions under Bankr. Rules 2014, 7012, 1056, 7065, 9023, and 9024
Trustee's Final Report and Accounting
Documents containing affidavits.

j. Appeals.

1. Record. After designating the record on appeal electronically, the parties must deliver paper copies of the designated instruments to the clerk. B. L. R. 8007.
2. Briefs and Later Documents. All filings in the district court will be in conventional paper form under its local rules and the federal rules.

*Sample of Notice of Electronic Filing
Generated by System When a Document Is Filed*

00-00000-ABC Notice of Electronic Filing

This document was filed by Jim C. Doe on 01/01/2001 at 12:01 AM

Case Name: Debtor name

Case Number: 00-00000-ABC

Document Number: 14

Docket Text:

MOTION FOR RELIEF FROM STAY filed by Jim C. Doe of Creditors law firm on behalf of Creditor. (Doe, Jim C.)

These documents are associated with this transaction:

Document description: Main Document

Original filename: x:/xxxx/12345.pdf

Electronic document Stamp:

[STAMP MOWBStamp_ID=1111111111[Date=01/01/2001][File Number=11111-1][other codes]]

00-00000-ABC Notice will be electronically mailed to:

Jim C. Doe jdoe@creditors.com

Julie W. Doe jdoe@lawfirm.com

00-00000-ABC Because these people could not be notified electronically, the filer must send them a paper copy of the document.

John Doe
123 Main St.
Nowhere, USA

Jane Doe
456 Main St.
Somewhere, USA

APPENDIX A

**United States Bankruptcy Court
Southern District of Texas**

In re:

§
§
§
§
§

Bankruptcy Case No.**Debtor.**

Declaration for Electronic Filing and Statement of Social Security Number

Part 1. Declaration of Petitioner:

As the debtor, corporate officer, partner, or member, I declare under penalty of perjury that the information (a) I have given and will give my attorney and (b) the information provided in the electronically filed petition, statements, and schedules is true. I understand that pursuant to the court's Administrative Procedures for Electronic Filing this declaration is to be submitted to the clerk within five business days after the petition has been filed electronically.

- ☐ I am an individual whose debts are primarily consumer debts and who has chosen to file under chapter 7. I have been advised of my opportunity to file under chapters 7, 11, 12, or 13 of the Bankruptcy Code and of the relief available to me under each of them.

- ☐ Debtor has a Social Security Number and it is: ____ - ____ - ____
☐ Debtor does not have a Social Security Number.

Signature of Debtor_____
Date

- ☐ Joint Debtor has a Social Security Number and it is: ____ - ____ - ____
☐ Joint Debtor does not have a Social Security Number.

Signature of Joint Debtor (*If joint, both spouses must sign*)_____
Date

- ☐ By signing for a corporation, partnership, or limited liability company, the debtor requests relief under the chapter specified in the petition. I have been authorized to file this petition on behalf of the debtor.

Signature of Corporate Officer, Partner, or Member_____
Date_____
Printed name of Corporate Officer, Partner or Member_____
Title**Part 2. Declaration of Attorney:**

If the petitioner is an individual whose debts are primarily consumer debts, I have told the petitioner that he may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each chapter.

Signature of Attorney for Debtor_____
Date_____
Texas Bar Number_____
Address_____
Telephone_____
Facsimile_____
E-mail

Submit Original Printed on Blue Paper to the Clerk — Do Not File Electronically

APPENDIX B